

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MICHIGAN 3 SOUTHERN DIVISION 4 5 EQUAL EMPLOYMENT OPPORTUNITY) 6 COMMISSION,) 7 Plaintiff,) 8 vs.) Case No. 14-13710 9 R.G. & G.R. HARRIS FUNERAL) Hon. Sean F. Cox 10 HOMES, INC.,) United States 11 Defendants.) District Court Judge 12 _____) 13 14 DEPOSITION OF DELORES NEMETH 15 PLYMOUTH, MICHIGAN 16 FRIDAY, NOVEMBER 13, 2015 17 18 19 20 21 22 23 24 REPORTED BY: QUENTINA R. SNOWDEN, CSR NO. 5519 25 JOB NO.: 276004-A</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONTINUED: 2 For the Defendant: 3 JOEL J. KIRKPATRICK, PC 4 BY: JOEL JAMES KIRKPATRICK, ESQ. 5 843 Penniman Avenue 6 Suite 201 7 Plymouth, Michigan 48170-1770 8 (734) 404-5710 9 E-mail: joel@joelkirkpatrick.com 10 11 ALLIANCE DEFENDING FREEDOM 12 BY: BRADLEY ABRAMSON, ESQ. 13 15100 North 90th Street 14 Scottsdale, Arizona 85260 15 (480) 444-0020 16 E-mail: babramson@adflegal.com 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF DELORES NEMETH, taken at the 2 offices of Joel J. Kirkpatrick, PC, located at 3 843 Penniman Avenue, Suite 201, Plymouth, 4 Michigan on Friday, November 13, 2015, at 9:30 5 a.m., before Quentina R. Snowden, Certified Court 6 Reporter, in and for the State of Michigan. 7 8 APPEARANCES: 9 For the Plaintiff: 10 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 11 BY: MILES E. SHULTZ, ESQ. 12 DALE R. PRICE, JR., ESQ. 13 477 Michigan Avenue 14 Room 865 15 Detroit, Michigan 48226-2552 16 (313) 226-7808 17 E-mail: dale.price@eeoc.gov 18 miles.shultz@eeoc.gov 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X 2 WITNESS: DELORES NEMETH 3 EXAMINATION PAGE 4 BY: Mr. Shultz 05 5 EXAMINATION 6 BY: Mr. Kirkpatrick 22 7 RE-EXAMINATION 8 BY: Mr. Shultz 25 9 (No further examination.) 10 E X H I B I T S 11 NUMBER DESCRIPTION PAGE 12 13 (None presented for marking.) 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 13</p> <p>1 Q Could you describe to your understanding what 2 the dress code is? 3 A A skirt, I wear flat shoes, you can wear heels 4 or flat shoes like I'm dressed now, a jacket. 5 Q Okay. And do you receive any sort of allowance 6 for your dress? 7 A Yeah. 8 Q Could you describe how much do you receive and 9 when? 10 A Geez. What do you mean by "When"? 11 Q How often -- how frequently do you receive an 12 allowance? 13 A Like once a year. 14 Q Once a year? 15 A Uh-huh. 16 Q And how much do you receive? 17 A I'm trying to think now. I think it was a 18 check for \$75. 19 Q So it comes as a separate check, not as part of 20 your paycheck? 21 A Right. 22 Q Do you remember when that began? 23 A Oh, probably a couple years. 24 Q So, for the 13 years that you've worked at R.G. 25 G.R. you didn't always receive an allowance?</p>	<p style="text-align: right;">Page 15</p> <p>1 right now you don't remember, so I don't want 2 you to be offended when I start asking 3 clarifying questions. 4 So you don't remember if there was 5 ever a meeting with Mr. Rost or Ms. Kish 6 regarding the allowance? 7 A Oh, we were notified, but I can't remember -- 8 you asked me, probably was a memo. I don't 9 know. 10 Q Okay. 11 A I can't remember really. 12 Q So you were notified, you just don't remember 13 the substance? 14 A Oh, yeah. 15 Q Did you have any participation in the process 16 for determining whether you would receive an 17 allowance? 18 A What do you mean? 19 Q Did you have any involvement in R.G. G.R.'s 20 decision to start providing a dress allowance? 21 A No. 22 Q Did you have any part of the decision for how 23 much a dress allowance should be? 24 A No. 25 Q Do you have any estimate for how much you pay</p>
<p style="text-align: right;">Page 14</p> <p>1 A No. 2 Q So, do you think it's two years or more than 3 two years? 4 A I'm guessing probably two years. 5 Q Okay. Two years. And when do you receive that 6 check; do you remember? 7 A I think it's probably first of the year. 8 Q First of the year? 9 A Uh-huh. 10 Q First of the calendar year? 11 A Uh-huh. 12 Q Did you receive any sort of notice from R.G. 13 G.R. that you would start receiving a dress 14 allowance? 15 A I don't remember. 16 Q So you don't remember seeing a fax from the 17 Detroit office? 18 A Like I said, when you're asking me, I don't 19 remember. 20 Q You don't remember? 21 A No. When. 22 Q So you don't -- I'm going to ask other 23 questions regarding it to try and jog your 24 memory. 25 So I'm not -- I do take it that</p>	<p style="text-align: right;">Page 16</p> <p>1 to comply with R.G. G.R. dress code? 2 MR. KIRKPATRICK: Objection, 3 relevance. Go ahead and answer if you can. 4 THE WITNESS: I've worked there for 5 13 years. I've never had a problem. I dress 6 the way I dress. I don't know what you mean. 7 BY MR. SHULTZ: 8 Q How much -- do you know how much money you 9 spend on clothes to comply with R.G. G.R.'s -- 10 A No, I don't. 11 Q Do you think that you spend more than \$75 per 12 year on clothes? 13 MR. KIRKPATRICK: Objection, 14 relevance, vague. Go ahead and answer. 15 THE WITNESS: It's hard to answer 16 that. 17 BY MR. SHULTZ: 18 Q Did you ever work with an Anthony Stephens? 19 A Yes. 20 Q Anthony's new name is Aimee Stephens, so I'll 21 refer to her as "Aimee Stephens." 22 What sort of day-to-day 23 interactions did you have with Ms. Stephens? 24 A He was the embalmer there. I worked with him. 25 Like if he was out on -- you know, doing</p>

<p style="text-align: right;">Page 17</p> <p>1 things, I would be by myself. He wasn't there</p> <p>2 a whole 8 hours a day, he would be doing -- so</p> <p>3 with the little bit I did, yes, I did work with</p> <p>4 him.</p> <p>5 Q So you had day-to-day --</p> <p>6 A Yeah.</p> <p>7 Q -- interaction with him?</p> <p>8 A Exactly.</p> <p>9 Q You had worked -- you preceded Ms. Stephens at</p> <p>10 R.G. G.R., correct?</p> <p>11 A Uh-huh.</p> <p>12 Q So you worked for the entire time he was</p> <p>13 there -- she was there?</p> <p>14 A Uh-huh.</p> <p>15 Q You would have daily communications with each</p> <p>16 other?</p> <p>17 A Yeah.</p> <p>18 Q Would Ms. Stephens help you with office work or</p> <p>19 death certificates?</p> <p>20 A Probably, yeah.</p> <p>21 Q Ms. Stephens was fired, do you know that?</p> <p>22 A Yes. Well, I don't -- he was let go.</p> <p>23 Q Let go?</p> <p>24 A Yep.</p> <p>25 Q Ms. Stephens no longer works there?</p>	<p style="text-align: right;">Page 19</p> <p>1 A See, that's a difficult question for me to</p> <p>2 answer.</p> <p>3 Q Do you know why?</p> <p>4 A Because he was becoming Aimee. I don't know.</p> <p>5 Q So Ms. Stephens did present a letter to you --</p> <p>6 A Yes.</p> <p>7 Q -- indicating that she was going to start</p> <p>8 transitioning and presenting consistent with a</p> <p>9 gender identity --</p> <p>10 A Uh-huh, yes.</p> <p>11 Q And she was fired shortly after she presented</p> <p>12 that letter to you?</p> <p>13 A Oh, I don't know how long it was.</p> <p>14 Q Okay. But as we established, you didn't have</p> <p>15 any part of the decision to terminate Ms.</p> <p>16 Stephens?</p> <p>17 A Uh-uh. No.</p> <p>18 Q What's your perception or understanding of R.G.</p> <p>19 G.R.'s religious environment?</p> <p>20 A Religious environment?</p> <p>21 Q Are there prayer groups?</p> <p>22 A No.</p> <p>23 Q Are there Bible studies?</p> <p>24 A No.</p> <p>25 Q Are there any sort of religious activities that</p>
<p style="text-align: right;">Page 18</p> <p>1 A Right.</p> <p>2 Q But you weren't involved in the process for</p> <p>3 deciding to terminate Ms. Stephens?</p> <p>4 A No.</p> <p>5 Q Mr. Rost, none of the other managers discussed</p> <p>6 with you their decision --</p> <p>7 A No.</p> <p>8 Q -- to terminate Ms. Stephens?</p> <p>9 A No.</p> <p>10 Q Okay. You're starting to answer in the middle</p> <p>11 of my question, so if you could please try and</p> <p>12 let me finish my question so the Court Reporter</p> <p>13 can --</p> <p>14 A Okay.</p> <p>15 Q -- put your answer in the right spot.</p> <p>16 Do you know why R.G. G.R. let</p> <p>17 Stephens go?</p> <p>18 A Do I know why?</p> <p>19 Q Yes.</p> <p>20 A Well, because of the situation with him. I</p> <p>21 don't know. I just know he was gone, so --</p> <p>22 Q What do you mean by "the situation"?</p> <p>23 A When you say "why."</p> <p>24 Q Uh-huh. Do you know why R.G. G.R. terminated</p> <p>25 Stephens?</p>	<p style="text-align: right;">Page 20</p> <p>1 occur at R.G. G.R.?</p> <p>2 A When we have services.</p> <p>3 Q Outside of the funerals --</p> <p>4 A No, no.</p> <p>5 Q -- that R.G. G.R. does for its employees?</p> <p>6 A No.</p> <p>7 Q And when you were working with Aimee, did you</p> <p>8 have -- you observed her interacting with</p> <p>9 clients and doing her -- her -- performing her</p> <p>10 job, correct?</p> <p>11 A I know him as Anthony. What do you mean?</p> <p>12 Q You observed Ms. Stephens doing her job,</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q Okay. And she was good with clients?</p> <p>16 A As far as I know.</p> <p>17 Q Compassionate and sensitive?</p> <p>18 A As far as I know.</p> <p>19 Q So you never noticed any job performance</p> <p>20 issues?</p> <p>21 A I don't know. Like I said, I did my job.</p> <p>22 Q And you weren't Ms. Stephens' supervisor?</p> <p>23 A No. I have --</p> <p>24 Q Okay.</p> <p>25 A We worked together at times, but you're asking</p>

<p style="text-align: right;">Page 21</p> <p>1 me a question I can't answer.</p> <p>2 Q Okay. Fair enough. Fair enough.</p> <p>3 Do you know if Mr. Rost is</p> <p>4 religious?</p> <p>5 A I don't know. I'm sure he is.</p> <p>6 Q Do you know if he attends church?</p> <p>7 A I'm sure he does.</p> <p>8 Q Does he ever discuss with you his religiosity?</p> <p>9 A He doesn't discuss --</p> <p>10 MR. KIRKPATRICK: Object to the</p> <p>11 word "religiosity." I don't know even know</p> <p>12 what it means. So I'm just objecting. And</p> <p>13 maybe foundation. If you understand what that</p> <p>14 means.</p> <p>15 THE WITNESS: See, I'm -- when</p> <p>16 you're asking me does he go to church, I'm --</p> <p>17 that's a question that I just --</p> <p>18 BY MR. SHULTZ:</p> <p>19 Q Because he's never shared with you whether he</p> <p>20 goes to church?</p> <p>21 A Well, he's -- I don't know how you want me to</p> <p>22 answer that.</p> <p>23 Q Has he ever discussed his religious beliefs</p> <p>24 with you?</p> <p>25 A Not with me. I don't pay attention to that.</p>	<p style="text-align: right;">Page 23</p> <p>1 A Right.</p> <p>2 Q So you have no reason -- you have no knowledge</p> <p>3 of the specific reason --</p> <p>4 A No.</p> <p>5 Q -- that he was fired?</p> <p>6 A No.</p> <p>7 Q Okay. Thank you.</p> <p>8 Now, does the funeral home have</p> <p>9 scripture references laying around like Daily</p> <p>10 Breads, that kind of thing?</p> <p>11 A Oh, yeah, things like that, yes.</p> <p>12 Q So there are scriptural and religious --</p> <p>13 A See, I didn't understand. Yes.</p> <p>14 Q Okay.</p> <p>15 A In fact, I read that occasionally. It's some</p> <p>16 people --</p> <p>17 Q Okay. So the funeral home presents a --</p> <p>18 A Yes.</p> <p>19 Q -- kind of Christian, would you say,</p> <p>20 presentation?</p> <p>21 A Oh, yes. I'm sorry, I didn't understand --</p> <p>22 Q Also, he asked you about your \$75 clothing</p> <p>23 allowance.</p> <p>24 A Uh-huh. Yes.</p> <p>25 Q Do you use that money to purchase clothes only</p>
<p style="text-align: right;">Page 22</p> <p>1 I'm there. I work. I do my job. I don't --</p> <p>2 Q So Mr. Rost has never discussed his religious</p> <p>3 beliefs with you?</p> <p>4 A As far as I know.</p> <p>5 MR. SHULTZ: Okay. I don't think</p> <p>6 we have anything further, Joel.</p> <p>7 MR. KIRKPATRICK: Just a few</p> <p>8 questions.</p> <p>9 EXAMINATION</p> <p>10 BY MR. KIRKPATRICK:</p> <p>11 Q Mr. Nemeth, Mr. Shultz was asking you questions</p> <p>12 about why Stephens was fired. Do you remember</p> <p>13 that just a few minutes ago?</p> <p>14 A Yeah.</p> <p>15 Q And he essentially asked you do you know why</p> <p>16 Stephens was fired; and you said, "I don't</p> <p>17 know, but because of the situation"; do you</p> <p>18 remember that?</p> <p>19 A Uh-huh.</p> <p>20 Q Were you present when Mr. Rost fired Stephens?</p> <p>21 A I was not present at --</p> <p>22 Q So you had no conversations with either Mr.</p> <p>23 Rost -- or Mr. Rost regarding why --</p> <p>24 A Right.</p> <p>25 Q -- Stephens was terminated, right?</p>	<p style="text-align: right;">Page 24</p> <p>1 for work; or do you also use that as part of</p> <p>2 your wardrobe in general?</p> <p>3 A For my --</p> <p>4 Q Right.</p> <p>5 A -- general.</p> <p>6 Q Okay. Did you ever know if there was a</p> <p>7 discussion about having an actual uniform for</p> <p>8 female employees?</p> <p>9 A Yes, there was at one time.</p> <p>10 Q And was there a presentation or a proposal, I</p> <p>11 should say --</p> <p>12 A Yes.</p> <p>13 Q -- to have women wear the exact same outfits?</p> <p>14 A Yes.</p> <p>15 Q And what happened with that proposal?</p> <p>16 A Well, I can remember what happened is there was</p> <p>17 a very nice looking suit and a skirt, and a lot</p> <p>18 of the people there were different sizes; some</p> <p>19 were short, they could never wear that kind of</p> <p>20 an outfit. Some people were on the heavy side.</p> <p>21 Some were thin, slim and tall. And I guess</p> <p>22 everybody kind of said "I don't think I can</p> <p>23 wear that."</p> <p>24 Q So when you say "everybody" and "people",</p> <p>25 you're referring to women?</p>

<p style="text-align: right;">Page 25</p> <p>1 A Women, yes.</p> <p>2 Q So there was no consensus among the female</p> <p>3 employees as to what would be an appropriate</p> <p>4 uniform?</p> <p>5 A Right.</p> <p>6 Q Was there a decision made to just wear</p> <p>7 professional business attire?</p> <p>8 A Right.</p> <p>9 MR. KIRKPATRICK: I have no further</p> <p>10 questions.</p> <p>11 MR. SHULTZ: I just have a few</p> <p>12 followup questions, then we'll be done.</p> <p>13 THE WITNESS: Okay.</p> <p>14 RE-EXAMINATION</p> <p>15 BY MR. SHULTZ:</p> <p>16 Q R.G. G.R. has funerals for non-Christians,</p> <p>17 correct?</p> <p>18 A Yes.</p> <p>19 Q So people of other faiths have services at R.G.</p> <p>20 G.R.?</p> <p>21 A Yes.</p> <p>22 Q And the chapel, what we've been calling the</p> <p>23 chapel, is decorated like a living room,</p> <p>24 correct?</p> <p>25 A (Shook head in an affirmative manner.)</p>	<p style="text-align: right;">Page 27</p> <p>1 Q Has Mr. Rost ever led a discussion regarding</p> <p>2 the Bible?</p> <p>3 A I have not talked to him about it.</p> <p>4 Q Has Mr. Rost ever encouraged you to read the</p> <p>5 Daily Bread?</p> <p>6 A Well, he brings them in and he knows we read</p> <p>7 them. A lot of people read them.</p> <p>8 Q So he brings them in, drops them off?</p> <p>9 A Uh-huh. We always have them.</p> <p>10 Q Has he ever led a discussion on the contents of</p> <p>11 the Daily Bread?</p> <p>12 A No. No.</p> <p>13 Q And where is the Bible located?</p> <p>14 A It's on a table in the middle of the -- like</p> <p>15 not when you walk in, but another section where</p> <p>16 people can go and sit, there's a couple chairs</p> <p>17 there.</p> <p>18 Q It's like a client conference room?</p> <p>19 A Not a conference room. It's just part of the</p> <p>20 chapel.</p> <p>21 Q Okay. But in a public area?</p> <p>22 A Oh, yes.</p> <p>23 Q And where are the pamphlets located?</p> <p>24 A On the credenza right in the front of -- where</p> <p>25 you walk in.</p>
<p style="text-align: right;">Page 26</p> <p>1 Q There aren't any religious ornaments in that</p> <p>2 chapel?</p> <p>3 A Like what do you mean by "religious"?</p> <p>4 Q There isn't a crucifix or a cross?</p> <p>5 A No. Those are put in for whichever</p> <p>6 religious -- like they have --</p> <p>7 Q So there are no permanent religious --</p> <p>8 A No.</p> <p>9 Q -- fixtures in the chapel?</p> <p>10 A No.</p> <p>11 Q Beyond the Daily Bread, can you think of any</p> <p>12 other --</p> <p>13 A We have a Bible. I'm trying to think now. I</p> <p>14 know there's a Bible there. There's different</p> <p>15 pamphlets. Not -- I mean, different pamphlets</p> <p>16 for -- they're on display.</p> <p>17 Q Different pamphlets on grief?</p> <p>18 A Grief counseling and different --</p> <p>19 Q Do you remember any specific pamphlets</p> <p>20 regarding Christianity or --</p> <p>21 A Not -- not right now I can't --</p> <p>22 Q And is the Bible for employees' use or --</p> <p>23 A Whoever.</p> <p>24 Q For client's use?</p> <p>25 A For whoever is out there.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q So right by the main entrance?</p> <p>2 A Yes.</p> <p>3 MR. SHULTZ: I don't have anything</p> <p>4 further.</p> <p>5 THE WITNESS: Thank you.</p> <p>6 MR. KIRKPATRICK: I think we're</p> <p>7 good.</p> <p>8 (The deposition of Delores Nemeth</p> <p>9 concluded at or about the hour of 9:57 a.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>